

Message

From: Dickerson, Aaron [dickerson.aaron@epa.gov]
Sent: 9/15/2022 10:33:33 PM
To: Utech, Dan [Utech.Dan@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Niebling, William [Niebling.William@epa.gov]; Morgan, Ashley [Morgan.Ashley.M@epa.gov]
Subject: Pre-Brief for Sen. Manchin Meeting
Attachments: 0300 2022 09 15 Manchin Memo.docx; 0301 Attachment 1 -Summary of IRA.pdf; 0302 Attachment 2 - House Democrats Letter Opposing Manchin Permitting Bill..pdf

Attached are the briefing materials.

Aaron Dickerson
Office of the Administrator
U.S. EPA
Cell: 202-689-4794



Briefing Memo: Meeting with Senator Manchin

Printed on: 9/15/2022

Filed: 09/15/2022 5:00PM

APPROVED BY: William Niebling

BRIEFING MEMO

September 15, 2022

MEMORANDUM FOR THE ADMINISTRATOR

FROM: William Niebling, OCIR, niebling.william@epa.gov // Ashley Morgan, morgan.ashley.m@epa.gov

CC: Alison Cassady, [[HYPERLINK "mailto:Cassady.alison@epa.gov"](mailto:Cassady.alison@epa.gov)] and Dan Utech, [[HYPERLINK "mailto:Utech.dan@epa.gov"](mailto:Utech.dan@epa.gov)]

SUBJECT: Briefing for Meeting with Senator Manchin on September 19th

DATE: Friday, September 15, 2022

TIME: 11:00AM EDT

I. STATEMENT OF PUROSE AND LAST INTERACTION

The purpose of this meeting is to provide briefing for you ahead of your meeting with Senator Joe Manchin III scheduled for Monday, September 19th in his office in the Hart Senate Office Building.

On Tuesday, August 16, 2022, you and Senator Manchin spoke for a few minutes following the Inflation Reduction Act (IRA) bill signing ceremony at the White House. You and Senator Manchin discussed Inflation Reduction Act events in West Virginia and your potential (now confirmed) upcoming travel to West Virginia. The meeting between you and Senator Manchin scheduled for Monday, September 19th is to follow-up from the conversation at the IRA bill signing and to continue building your relationship with the Senator. We expect that Senator Manchin may want to discuss IRA, IRA implementation, and permitting reform.

[PAGE] of [NUMPAGES]

II. KEY POINTS

Inflation Reduction Act

- The Inflation Reduction Act was signed into law by President Biden on Tuesday, August 16, 2022.
- The IRA will reduce the deficit, fight inflation, address important prescription drug and Affordable Care Act reforms, and provide a \$369 billion investment in Energy Security and Climate Change programs.
- For EPA, the bill provides approximately \$40 billion in funding.
- The legislation will also reduce carbon emissions by 40% by 2030.
- **YOU** should thank Senator Manchin for his efforts to get the IRA – the single largest investment in climate in U.S. history – across the finish line.
- During August recess in West Virginia, Senator Manchin has hosted roundtables with constituents and stakeholders to discuss the legislation and impacts on the state.
- At the IRA signing ceremony, YOU and Senator Manchin discussed the possibility of holding roundtables in West Virginia to tout the historic investments in BIL and IRA.
- Senator Manchin’s office has not yet followed up on holding such roundtables, but we would be happy to engage with them when appropriate. We expect that this could come up in the conversation on Monday.

Permitting Reform

- As a part of the IRA negotiations, President Biden, Speaker Pelosi, and Majority Leader Schumer made a commitment to Senator Manchin on permitting reform legislation. The goal of this is to rec
- As the Chairman of the Senate Energy and Natural Resources Committee, Senator Manchin has been navigating negotiations on this legislation.
- It is currently expected that Leader Schumer will attach these permitting reforms to the continuing resolution – expected at the end of the month to fund the government through the middle of December. Our current expectation is that language will be available for review as soon as this weekend.
- EPA has provided some limited technical assistance to Senator Carper and the EPW staff on aspects of one section, the Clean Water Act Sec. 401 revisions, but has not seen text of or participated in conversations about any of the remaining sections.
- President Biden plans to keep his commitment – and believes there is a way to do this that does not compromise environmental protections.
- Last week, 72 House Democrats sent a letter to Leader Schumer and Speaker Pelosi in opposition to Senator Manchin’s permitting legislation and attaching it to the continuing resolution. The letter argues that the lawmakers would have to choose between, “protecting...communities from further pollution or funding the government.”
- On Monday, September 12th, Senator Capito and 38 Senate Republicans introduced their version of permitting legislation – the Simplify Timelines and Assure Regulatory Transparency Act.

Journey to Justice – West Virginia

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Ex. 5 Deliberative Process (DP)

III. ATTACHMENTS

- Summary of the inflation Reduction Act
- House Democrats letter opposing Sen. Manchin’s Permitting Bill

SUMMARY: THE INFLATION REDUCTION ACT OF 2022

Updated: August 11th, 2022

The *Inflation Reduction Act of 2022* will make a historic down payment on deficit reduction to fight inflation, invest in domestic energy production and manufacturing, and reduce carbon emissions by roughly 40 percent by 2030. The bill will also finally allow Medicare to negotiate for prescription drug prices and extend the expanded Affordable Care Act program for three years, through 2025.

Additionally, the agreement calls for comprehensive Permitting reform legislation to be passed before the end of the fiscal year. Permitting reform is essential to unlocking domestic energy and transmission projects, which will lower costs for consumers and help us meet our long-term emissions goals.

TOPLINE ESTIMATES:

TOTAL REVENUE RAISED	\$737 billion
<i>15% Corporate Minimum Tax</i>	<i>222 billion*</i>
<i>Prescription Drug Pricing Reform</i>	<i>265 billion***</i>
<i>IRS Tax Enforcement</i>	<i>124 billion**</i>
<i>1% Stock Buybacks Fee</i>	<i>74 billion*</i>
<i>Loss Limitation extension</i>	<i>52 billion*</i>
TOTAL INVESTMENTS	\$437 billion
<i>Energy Security and Climate Change</i>	<i>369 billion*</i>
<i>Affordable Care Act Extension</i>	<i>64 billion**</i>
<i>Western Drought Resiliency</i>	<i>4 billion***</i>
TOTAL DEFICIT REDUCTION	\$300+ billion

* = Joint Committee on Taxation estimate

** = Congressional Budget Office estimate

*** = Senate estimate, awaiting final CBO score

The Inflation Reduction Act:

1. **Expands Medicare benefits:** free vaccines (2023), \$35/month insulin (2023) and caps out-of-pocket drug costs to an estimated \$4,000 or less in 2024 and settling at \$2,000 in 2025
2. **Lowers energy bills:** cuts energy bills by \$500 to \$1,000 per year
3. **Makes historic climate investment:** reduces carbon emissions by roughly 40% by 2030
4. **Lowers health care costs:** saves the average enrollee \$800/year in the ACA marketplace, allows Medicare to negotiate 100 drugs over the next decade, and requires drug companies to rebate back price increases higher than inflation
5. **Creates manufacturing jobs:** more than \$60 billion invested will create millions of new domestic clean manufacturing jobs
6. **Invests in disadvantaged communities:** cleaning up pollution and taking steps to reducing environmental injustice with \$60 billion for environmental justice
7. **Closes tax loopholes used by wealthy:** a 15% corporate minimum tax, a 1% fee on stock buybacks and enhanced IRS enforcement
8. **Protects families and small business making \$400,000 or less**

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 9, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
H-107, The Capitol
Washington, DC 20515

Dear Speaker Pelosi and Leader Hoyer:

The permitting and public notice and comment provisions mandated by the National Environmental Policy Act (NEPA) are among the only tools local communities have to force careful review of federal projects that may have serious, long-term, environmental, and public health consequences in those communities. Congress should continue to provide increased funding to assist federal agencies in completing the NEPA process but ***attempts to short-circuit or undermine the law in the name of “reform” must be opposed.***

According to media reports, there is agreement to advance a series of anti-environmental and anti-environmental justice provisions through the House, at the behest of the American Petroleum Institute (API). These destructive provisions will allow polluting manufacturing and energy development projects to be rushed through before the families who are forced to live near them are even aware of the plans.

The proposed legislation would restrict public access to the courts to seek remedies against illegal project development; place arbitrary limits on the amount of time the public is given to comment on polluting projects; and curtail public input, environmental review, and government accountability. Additionally, the API plan would require a certain number of harmful fossil fuel projects to be designated as “projects of strategic national importance” to receive priority federal support, assistance, and expedited environmental review. These permitting “reforms” would weaken other important public health protections, including the Clean Water Act and more.

We remain deeply concerned that these serious and detrimental permitting provisions will significantly and disproportionately impact low-income communities, indigenous communities, and communities of color. The inclusion of these provisions in a continuing resolution, or any other must-pass legislation, would silence the voices of frontline and environmental justice communities by insulating them from scrutiny. Such a move would force Members to choose between protecting EJ communities from further pollution or funding the government.

We urge you to ensure that these provisions are kept out of a continuing resolution or any other must-pass legislation this year.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral Resources



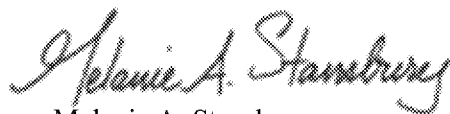
Katie Porter
Chair
Subcommittee on Oversight and Investigations



Ed Case
Member of Congress



Grace Napolitano
Member of Congress



Melanie A. Stansbury
Member of Congress



Betty McCollum
Member of Congress



Jared Huffman
Chair
Subcommittee on Water, Oceans, and Wildlife



Joe Neguse
Chair
Subcommittee on National Parks, Forests,
and Public Lands



A. Donald McEachin
Member of Congress



Nydia Velázquez
Chair
Committee on Small Business



Steve Cohen
Member of Congress



Rashida Tlaib
Member of Congress



Jesús G. "Chuy" García
Member of Congress



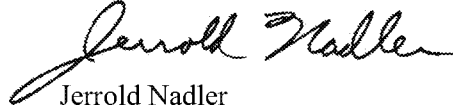
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Gregorio Kilili Camacho Sablan
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Michael F. Q. San Nicolas
Member of Congress



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Chair
Committee on the Judiciary



Carolyn B. Maloney
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Committee on Oversight and Reform



Maxine Waters
Chair
Committee on Financial Services

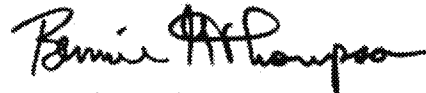


Mark Takano
Chair
Committee on Veterans Affairs



Adam Smith
Chair
Committee on Armed Services

/s/ Robert C. "Bobby" Scott
Chair
Committee on Education and Labor



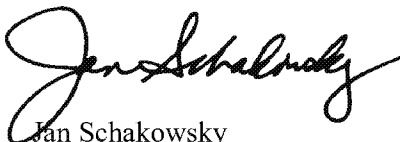
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Committee on Homeland Security



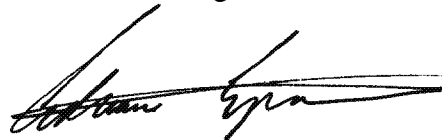
John Yarmuth
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Committee on the Budget



Mark DeSaulnier
Member of Congress



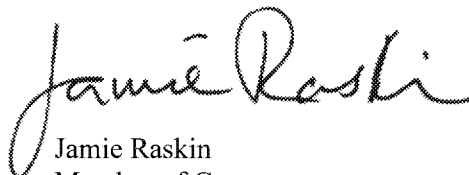
Jan Schakowsky
Member of Congress




Adriano Espaillat
Member of Congress



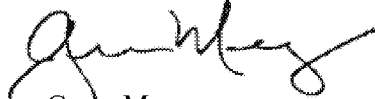
Eleanor Holmes Norton
Member of Congress



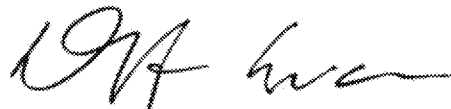
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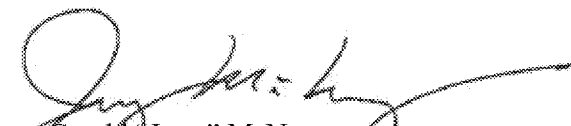
Madeleine Dean
Member of Congress



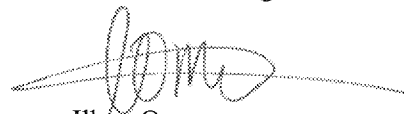
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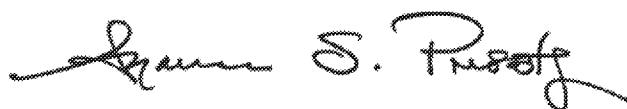
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Ilhan Omar
Member of Congress



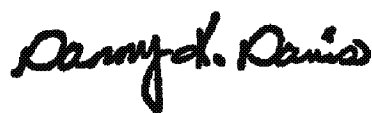
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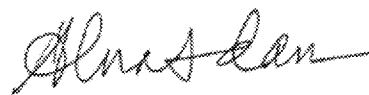
Nanette Díaz Barragán
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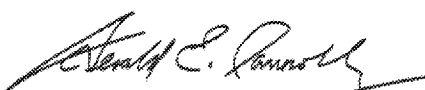
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Danny K. Davis
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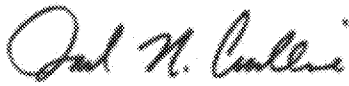
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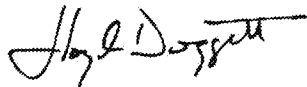
David N. Cicilline
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Earl Blumenauer
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Karen Bass
Member of Congress



Lloyd Doggett
Member of Congress



Bonnie Watson Coleman
Member of Congress



Andrew "Andy" Levin
Member of Congress



Dean Phillips
Member of Congress



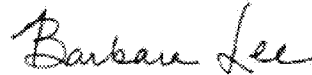
Stephen F. Lynch
Member of Congress



Cori Bush
Member of Congress



Jason Crow
Member of Congress



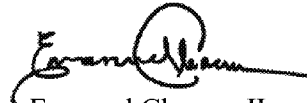
Barbara Lee
Member of Congress



Lisa Blunt Rochester
Member of Congress



Shontel Brown
Member of Congress



Emanuel Cleaver, II
Member of Congress



Mark Pocan
Member of Congress



Gwen Moore
Member of Congress



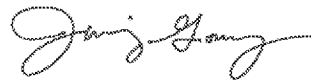
Ritchie Torres
Member of Congress



Mondaire Jones
Member of Congress



Mary Gay Scanlon
Member of Congress



Jimmy Gomez
Member of Congress



Debbie Dingell
Member of Congress

/s/ André Carson
Member of Congress


/s/ John Sarbanes
Member of Congress

/s/ Hank Johnson
Member of Congress

Message

From: Morgan, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C6E065543A0487ABE74D80D1D011DCC-MORGAN, ASH]
Sent: 9/15/2022 8:57:48 PM
To: Niebling, William [Niebling.William@epa.gov]
Subject: RE: Manchin Memo

Morgan, Ashley has shared a OneDrive for Business file with you. To view it, click the link below.

 2022 09 16 Manchin Briefing Memo.docx

Found it!

From: Morgan, Ashley
Sent: Thursday, September 15, 2022 4:53 PM
To: Niebling, William <Niebling.William@epa.gov>
Subject: Manchin Memo

Let me know if you have any edits and I can send over. Thanks!

- Briefing Memo: Meeting with Senator Manchin
 - Attachment 1: IRA Summary
 - Attachment 2: House Democrats Letter Opposing Sen. Manchin's Permitting Bill

Ashley M. Morgan
Special Advisor for Senate Relations
U.S. Environmental Protection Agency
Cell: (202) 909-9983

Message

From: Morgan, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C6E065543A0487ABE74D80D1D011DCC-MORGAN, ASH]
Sent: 9/22/2022 6:54:45 PM
To: Niebling, William [Niebling.William@epa.gov]
Subject: Manchin's Bill
Attachments: 2022 09 22 Energy Independence and Security Act of 2022 Cover Memo.docx

Attached for your review.

Ashley M. Morgan
Special Advisor for Senate Relations
U.S. Environmental Protection Agency
Cell: (202) 909-9983



Cover Memo – Overview of the Energy Independence and Security Act of 2022

Filed: 09/22/2022

COVER MEMO

September 22, 2022

MEMORANDUM FOR THE ADMINISTRATOR

FROM: William Niebling and Ashley Morgan, OCIR

SUBJECT: Overview of the Energy Independence and Security Act of 2022

On Wednesday, September 21, Senator Manchin unveiled the Energy Independence and Security Act of 2022. Senator Manchin's bill sets out to update the United States' energy permitting rules. The bill would limit environmental reviews for project and require that the President identify energy projects that are most critical for the United States. Additionally, the bill would require federal agencies to "take all necessary actions" for permits for the Mountain Valley Pipeline.

During Inflation Reduction Act negotiations with Senator Manchin, Congressional leadership agreed to attach the Energy Independence and Security Act of 2022 to the continuing resolution. There is some disagreement amongst Members of Congress regarding attaching the Energy Independence and Security Act of 2022 to the continuing resolution. Current government funding is set to expire at the end of the month.

Key EPA programs in the Energy Independence and Security Act of 2022 include:

- **Section 401 Clean Water Act** – clarifies the certification to be limited to federal, State, and Tribal water quality requirements affected by the activity being federally licensed or permitted.
- **Mountain Valley Pipeline** -- Federal agencies are required to issue and approve all permits required for the Mountain Valley Pipeline construction.

[PAGE] of [NUMPAGES]

Cover Memo – Overview of the Inflation Reduction Act of 2022

Printed on 07/28/2022

- **NEPA** – requiring 2-year review period is set the National Environmental Policy Act (NEPA) for major energy and natural resource projects and a 1-year review for projects requiring an environmental assessment.
- **Energy Projects of Strategic National Importance** - Gives authority to the President to identify energy projects that are most critical for the United States.
- **FAST-41** – changes the current permitting process for energy and natural resource projects.
- **Transmission** -- Allows the Federal government to increase their permitting authority for transmission lines to be in the national interest.

ATTACHMENTS

- Energy Independence and Security Act of 2022 Summary